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CP-108 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.NO. 849 /2004.

PETITIONER

Chandra Bhan Mahilange son of late Karan Das Mahilange, aged at present 28 years. resident of Kasturba Nagar, Bilaspur (C.G.).

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through : Chief Secretary, Home Department, D.K. Bhavan Raipur (C.G.).
2. Director General of Police Home Department, D.K. Bhavan Raipur (C.G.).
3. Superintendent of Police Bilaspur (C.G.).

C.P. No. 830 of 04 presented by Shri N.S. Bhuvad'ia dated 7-8-04

7-3-04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT, WRITS, ORDER AND DIRECTION Etc.

(54)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 849 of 2004

Petitioner — Chandra Bhan Mahilange

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri H.S. Ahluwalia, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Government Advocate for the State/respondents.

O R D E R

(28th August, 2006)

1. The petitioner, who was appointed as child constable on the death of his father late Shri Karam Das Mahilange on 3.6.1986, completed 18th years of age on 7.3.1994. Service of the petitioner was terminated on 7.3.1994.

2. The circular dated 1.4.2003 (Annexure R/2) provides that child constable on completion of 18th years of his age be considered for appointment on the post of constable subject to passing of 10th class examination certificate. It was further provided that in the event child constable had not obtained 10th class examination certificate he should not be removed from service for two years enabling the child constable to obtain 10th class examination certificate.

3. Be that as it may, learned counsel appearing for the petitioner submits that in view of the fact that the

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petitioner has obtained 10th class examination certificate in the year July, 2002. The petitioner be permitted to make a representation before the respondents/authorities for considering his case afresh, to which learned counsel appearing for the respondents/State has no objection. On such representation being filed by the petitioner, the respondents/authorities may consider the same within a period of eight weeks from the date of receipt of the representation, in accordance with law, on its own merit.

4. For the reasons stated-above, the writ petition stands disposed of with the above stated liberty. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu